

Exhibit 43

BRADFORD AUGUSTINE
1/31/2022

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

| | | |
|-------------------------------|---|---------------------|
| HUNTERS CAPITAL, LLC, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | No. 20-cv-00983-TSZ |
| |) | |
| CITY OF SEATTLE, |) | |
| |) | |
| Defendant. |) | |

ZOOM 30(b)6 Deposition Upon Oral Examination

Of

MADRONA - BRADFORD AUGUSTINE

DATE: Monday, January 31, 2022

REPORTED BY: Mindy L. Suurs, CSR No. 2195

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1 things were going to reopen, although very differently than
2 what it was pre-COVID on the 1st of June.

3 So it didn't happen on Capitol Hill on the 1st of
4 June, but it happened in every other market where we manage
5 real estate. I would attribute that to the fact that
6 businesses couldn't open in Pike/Pine or, if they did open,
7 they couldn't pay rent.

8 BY MR. FARMER:

9 Q. What sort of business is the Unicorn?

10 A. Unicorn is a restaurant. They had spent a whole
11 bunch of money setting up an outside dining area, but
12 unfortunately, they were at the front door of the corner of
13 12th and Pike, which is where literally guards were
14 standing to protect and enforce an area known as CHOP.

15 Q. Do you know when guards first started standing at
16 that intersection to guard CHOP?

17 A. I don't have the exact date, but I believe it was
18 sometime around the 1st to the 8th of June. I do know that
19 on the 8th of June, the Seattle Police Department walked
20 away from the East Precinct.

21 Q. Okay. But specific to when these guards began
22 their post at that intersection, you don't know the exact
23 date as you sit here today?

24 A. I believe it -- based on information and belief,
25 I think it was either the 1st or 2nd of June.

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1 Q. Okay. And did you actually go to that area in
2 that time period?

3 A. Every day.

4 Q. And were you able to pass through and access the
5 Unicorn?

6 A. No.

7 Q. Why not?

8 A. Homeless people set up camps in front of the
9 front door. As we couldn't get past them, we called the
10 police, they wouldn't come. They couldn't open their
11 doors.

12 Q. On what date did you call the police regarding
13 the homeless people in front of the Unicorn?

14 A. I believe it was right around the 1st of June,
15 maybe the 2nd.

16 Q. And do you recall any other instance during the
17 month of June 2020 when you called the police about
18 homeless people in front of the Unicorn?

19 A. So I'm the owner of Madrona Real Estate Services.
20 Our company has three divisions: We have property
21 management, we have development, and we have brokerage; so
22 when we re-tenant a space, the brokerage division, which is
23 myself, as a licensed real estate broker, and my daughter,
24 Andrea Augustine Curtis.

25 But Andrea Augustine Curtis runs the property

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1 management division. We sit across from each other in an
2 open office, and we never closed down during COVID because
3 the State of Washington deemed property management -- I
4 can't remember the terminology that they used, but a
5 business that didn't need to shut down because it was
6 required for life safety.

7 So I know I called 911 three times. I think she
8 may have called 911 less than a dozen but more than six
9 times because I could hear her calling.

10 Q. And are you prepared to testify with regard to
11 the content of those communications between Ms. Curtis and
12 the City?

13 MR. REILLY-BATES: Object to the form.

14 A. Proceed?

15 MR. REILLY-BATES: Yeah, you can.

16 A. Obviously I didn't have an earpiece listening to
17 the two-way conversation -- I only heard it from one
18 side -- but I heard my daughter get increasingly frustrated
19 because she was getting calls from tenants saying you have
20 an obligation to clear this area and the police saying they
21 aren't going to come. So she got more and more frustrated
22 because more and more -- you know, the tenants, like how
23 can we run our business if we can't access our building.

24 BY MR. FARMER:

25 Q. And do you know which tenants you're referring to

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1 with regard to these specific complaints about which she
2 called 911?

3 A. Yes, the two tenants in particular were the
4 Unicorn Restaurant and Bar and a clothing boutique on the
5 corner that was known -- is known as Sway and Cake.

6 Q. Okay. I want to go back to the point of access
7 to the Unicorn. You testified earlier that you were in the
8 neighborhood everyday during June 2020; is that right?

9 A. That is correct.

10 Q. And on which date was it that you couldn't access
11 the Unicorn due to homeless people?

12 MR. REILLY-BATES: Object to the form, asked and
13 answered. Answer if --

14 A. I'm not sure exactly the date. I believe it was
15 within the first week of June. It may have been the last
16 week of May. But it happened on numerous occasions.

17 BY MR. FARMER:

18 Q. When were you able to get back into the Unicorn?

19 A. Approximately the 1st of July.

20 Q. Okay. And do you know whether or not the tenant
21 had been back in the Unicorn prior to the 1st of July?

22 MR. REILLY-BATES: Object to the form,
23 foundation.

24 A. There were too many people sleeping in the -- I
25 mean they set up a little camp there. They were literally

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1 sleeping in the stoop, and the stoop is private property as
2 it goes from the public right-of-way, the sidewalk, into a
3 private area, and it took a long time to clear those people
4 out.

5 BY MR. FARMER:

6 Q. But do you know whether or not Unicorn operators
7 accessed the restaurant space at all between June 1st and
8 July 1st?

9 A. I don't know that information.

10 Q. Unicorn had closed down in April and May
11 completely; correct?

12 A. That is correct.

13 Q. And did Unicorn open again before this
14 interference that you described?

15 A. They were in the process of reopening. When
16 you're a restaurant, you've got to take fresh produce,
17 tomatoes, your condiments, you've got to get your kitchen
18 prepped up. I know they were in the process of getting
19 ready to reopen. They'd built this outdoor dining area --
20 like all of Capitol Hill has got outdoor dining areas -- so
21 they were right smack in the middle of getting ready to
22 open. And their goal was to open on June 1st.

23 Q. Mr. Augustine, do you know whether, as the 12th
24 and Pike Associates, LLC, representative in this lawsuit,
25 you seek to recover damages on behalf of Unicorn?

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REPORTER'S CERTIFICATE

I, Mindy L. Suurs, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the foregoing testimony of BRADFORD AUGUSTINE was given before me at the time and place stated therein and thereafter was transcribed under my direction;

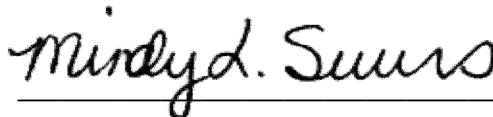
That the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability;

That the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel and that I am not financially interested in the said action or the outcome thereof;

DATE: February 1, 2022



Mindy L. Suurs
Certified Court Reporter #2195

